



UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Contempt, Compliance, and Special Litigation Branch
1015 Half Street, S.E. – 4th Floor
Washington, DC 20570

August 5, 2015

The Honorable Lorna G. Schofield
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *NLRB v. New York Party Shuttle, LLC*
Case No. 1:15-mc-00233-P1

Dear Judge Schofield:

The National Labor Relations Board opposes Respondent New York Party Shuttle, LLC's request for a fourteen-day adjournment of the hearing date and, presumably, a fourteen-day extension of the due date for Respondent to file its answer to the Board's Application. (Dkt. #6). In the Board's view, which was communicated to Respondent's counsel Courtney Wright this afternoon in a telephone conversation, the hearing should occur as scheduled on August 11th, and Respondent should be given until 1:00 p.m. Eastern on Monday, August 10th to file its Answer to the Board's Application.

This subpoena enforcement case commenced on July 30th with the Board's filing of the Application. (Dkt. #1). That same day, a copy of the Application, stamped with the docket number assigned by the Court, was sent to Respondent's attorney and CEO, Tom Schmidt, by email and overnight mail. (*See id.* at 15).

Also on July 30th, the Court signed and filed an Order to Show Cause requiring Respondent to file its answer to the Application on or before August 6, 2015, and setting a hearing on the Application for August 11th. (Dkt. #4). The Court's Order further required the Board to serve Respondent with a copy of the Application and Order on or before July 31 by "any manner provided for by Rule 5 of the Federal Rules of Civil Procedure . . . or by overnight mail." (*Id.*) Under Rule 5(b)(2)(C), service by mail "is complete upon mailing."

Although the Order was dated July 30th, it was not electronically entered onto the docket until August 3rd. (*See* Dkt. #5, Ex. A). Immediately upon its entry, the Board sent Mr. Schmidt a copy of the Order by email and by overnight mail. (*See* Dkt. #5). Therefore, due to circumstances beyond the Board's control, service was completed one business day after the date specified by the Order.

Subpoena enforcement proceedings are summary actions, designed to be litigated and disposed of speedily. The fact that Respondent lost, at most, one business day of time to prepare and file its response to the show-cause order does not merit a two-week delay. An extension until 1:00 p.m. on Monday, August 10th, should be sufficient, and the hearing should occur as previously scheduled.

Respectfully submitted,

s/Kevin P. Flanagan
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Cc: Tom Schmidt, Esq. (by CM/ECF)